

REMARKS

Claims 1, 3-6, 8-11, and 13-15 are in the case. The Notice of Allowance dated March 28, 2008 notified Applicants that claims 1, 3-6, 8-11, and 13-15 are allowed. This paper presents amendments under 37 C.F.R. § 1.312 to cancel claims 6, 8-11, and 13-15. According to MPEP § 714.16, the examiner “has authority to enter amendments submitted after Notice of Allowance of an application which embody merely the correction of formal matters in the specification or drawing, or formal matters in a claim without changing the scope thereof, or the cancellation of claims from the application, without forwarding to the supervisory patent examiner for approval.” The examiner is authorized under MPEP § 714.16 to make the following amendments because the amendments include only a cancellation of claims 6, 8-11, and 13-15.

As mentioned, Applicants presently cancel system claims 6 and 8-10 and product claims 11 and 13-15 leaving only method claims in the present application. Applicants will pursue these cancelled system and product claims in one or more continuation applications. Applicants believe themselves entitled to pursue these claims in additional applications because the system and product claims are directed to an invention in a different statutory category than are the method claims that remain in this application. Marking requirements for infringement damages differ among statutory categories. Applicants believe they are entitled to have claims directed to inventions in separate statutory categories issued in separate patents.


As such, Applicants respectfully request that these amendments above be entered in accordance with 37 C.F.R. § 1.312 under the Examiner’s authority as specified in MPEP § 714.16.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

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By:



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